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### III. REMARKS

Reconsideration of the application is requested. Claims 1-3 are pending. A Terminal Disclaimer, signed by the undersigned Agent for Applicant, to obviate the Double Patenting Rejection Over a Prior Patent is enclosed.

For correction of inadvertent typographical errors and omissions, Claims 1 and 3 have been amended without prejudice. No new matter has been introduced with this amendment which is fully supported by the Specification.

Pursuant to the action of the Examiner, Claims 1-3 are rejected under the judicially created doctrine of obviousness type double patenting as being obvious over the Claims 76, 78, 81, and 82 of US 6,589,626. Applicant traverses this allegation because the instant computer-readable medium are distinct and different from the cited disclosure. However, in order to expedite the allowance of the application, Applicant respectfully submits the executed Terminal Disclaimer for obviating the double patenting rejection over US 6,589,626. In view of this submission the rejection over possible double patenting is deemed moot. Therefore, withdrawal of the non-final rejection is solicited.

The present amendment of claim 1 is directed to further define the material at a select position as being in and/or on the computer-readable medium. This amendment does not introduce new matter but is fully supported by the description of page 16, paragraph 50, line 3, and as an example on page 35, continued paragraph 83, lines 7-15 of the Specification. Claim 3 has been amended to correctly identify its numerical order which number was inadvertently missing in the original version.

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**CONCLUSION**

The application is now believed to be in condition for allowance and an early notification thereof is respectfully requested.

Respectfully submitted,



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Enclosure

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